

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KIERAN KELLY,

Plaintiff,

-against-

TANVIR CHOUDHRI M.D., et al.,

Defendants,  
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No. 18-CV-12214 (ALC) (OTW)

**ORDER**

**ONA T. WANG, United States Magistrate Judge:**

Under Rule 30(d)(2), the court “may impose an appropriate sanction – including the reasonable expenses and attorney’s fees incurred by any party – on a person who impedes, delays, or frustrates the fair examination of the deponent. Fed. R. Civ. P. 30(d)(2). Defendants seek recovery of transcript costs associated with Plaintiff’s deposition, totaling \$1,688.80. (ECF 104).

For the reasons stated in ECF 105, the May 24, 2021 Report and Recommendation, I find that the Plaintiff has impeded and frustrated his examination by Defendants by, *inter alia*, causing the deposition to be repeatedly rescheduled, providing non-responsive narratives, and attacking the character of Defendants and Defendants’ counsel. Accordingly, I **GRANT** Defendants’ request for \$1,688.80 in costs. This Order is **STAYED** pending the District Court’s review of the Report and Recommendation, which recommends dismissal of the action with prejudice, a far greater sanction than costs.

Defendants are directed to email a copy of this Order to the *pro se* Plaintiff and file proof of service within three days of this Order.

The Clerk of Court is directed to mail a copy of this Order to the *pro se* Plaintiff and close ECF 92, 97, and 104.

**SO ORDERED.**

Dated: May 24, 2021  
New York, New York

*s/ Ona T. Wang*

**Ona T. Wang**  
United States Magistrate Judge